JPW 1635  
Docket No. 0575/65219-A/JPW/PJP/BJA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael R. Rosen et al.  
Serial No. : 09/898,417 Examiner: B. Whiteman  
Filed : July 3, 2001 Group Art Unit: 1635  
For : A HIGH THROUGHPUT BIOLOGICAL HEART RATE THAT IS  
MOLECULARLY DETERMINED

Mail Stop Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: May 3, 2005

Sir:

Transmitted herewith is an amendment to the above-identified application.

X Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.

       A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.

X No additional fee is required.

The filing fee is calculated as follows:

	Number after Amendment	Highest Number Previously Paid For <sup>1</sup>	Number of Extra Claims Presented	RATE			FEE	
				Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	8 -	* 20 =	*** 0 X	\$25	\$50	=	0	
Independent Claims	1 -	** 1 =	*** 0 X	\$100	\$200	=	0	
Multiple Dependent Claim(s) Presented For First Time <u>      </u> Yes <u>X</u> No				\$180	\$360	=	0	
				TOTAL ADDITIONAL FEE			\$ 0	

<sup>1</sup> The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.

\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".

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Amendment Transmittal Letter  
Page 2

The following are also enclosed:

☒ One additional copy of this Amendment Transmittal Letter  
☒ Return Receipt Postcard  
☐ An Information Disclosure Statement, including Form PTO-1449  
(Copies of citations included: Yes ☐ No ☐  
and a fee of \$  included)  
☐ A Petition for an Extension of Time, including a fee of  
\$  for a Petition for  Month(s) Extension of Time  
☐ Other (identify):

THE TOTAL FEE DUE IS \$ 0.

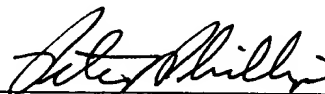
☐ A check in the amount of \$  is enclosed.

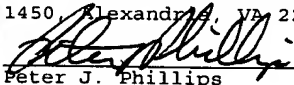
☐ Please charge Deposit Account No.  in the amount of  
\$ .

☒ The Commissioner is hereby authorized to charge any additional fees  
required or credit any overpayment to Deposit Account No. 03-3125  
as follows:

☒ Fees under 37 C.F.R. \$1.16 for the presentation of extra claims  
☐ Patent application processing fees under 37 C.F.R. \$1.17

Respectfully submitted,



I hereby certify that this  
correspondence is being deposited  
this date with the U.S. Postal  
Service with sufficient postage as  
first class mail in an envelope  
addressed to: Mail Stop Amendment,  
Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450.  
 5/3/04  
Peter J. Phillips Date  
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1185 Ave of the Americas  
New York, New York 10036  
May 3, 2005

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT IN RESPONSE TO MARCH 18, 2005  
OFFICE ACTION

This Amendment is submitted in response to the Office Action issued March 18, 2005 by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the March 18, 2005 Office Action is due May 18, 2005. Accordingly, this Amendment is being timely filed.